



Atty. Dkt. No 032026-0579

1652

#100/100  
05-05-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Perry A. FREY and Frank J. RUZICKA  
Title: DNA MOLECULES ENCODING  
BACTERIAL LYSINE  
2,3-AMINOMUTASE  
Appl. No.: 09/847,010  
Filing Date: 05/01/2001  
Examiner: Richard G. Hutson  
Art Unit: 1652

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: BOX NON-FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231, on the date below.  Mark A. Kassel (Printed Name)   (Signature)  April 25, 2003 (Date of Deposit)
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AMENDMENT AND REQUEST FOR RECONSIDERATION  
UNDER 37 C.F.R. § 1.111

BOX NON-FEE AMENDMENT  
Commissioner for Patents  
Washington, D.C. 20231

ATTN: Examiner Richard G. Hutson

Dear Examiner Hutson:

This communication in response to the non-final Office Action mailed January 29, 2003, in relation to the above-referenced application. The initial period for responding to the Office Action is set to expire on April 29, 2003. Accordingly, Applicants believe that this response is timely filed and no fee is necessary. The Patent Office is hereby authorized to charge any fees required for this filing to Deposit Account 50-2350. For the purpose of charging said Deposit Account, duplicates of page 1 and the signature page of this response are submitted herewith.

*IV. Conclusion*

In view of the foregoing remarks, Applicants request that the Examiner reconsider and withdraw the pending rejections discussed above. In the event any issues remain to be resolved in view of this communication, the Examiner is invited to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date April 25, 2003

By 

FOLEY & LARDNER

Customer Number: 23524



23524

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